

# **EXHIBIT 3**

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

The Icon at Panorama, LLC, )  
Plaintiff, ) Case No.:  
2:19-CV-00181-CBM  
(MRW)  
vs. )  
Pages 1 to 386  
Southwest Regional Council of )  
Carpenters; Laborers )  
International Union of North )  
America Local 300; Daniel )  
Langford, an individual; )  
Alexis Olbrei, an individual; )  
Ron Diamant, an individual; )  
Peter Rodriguez, an )  
individual; Ernesto Pantoja, )  
an individual; Sergio Rascon, )  
an individual; Angel Olvera, )  
an individual; SWAPE, LLC, a )  
California corporation; Smith )  
Engineering & Management, a )  
California corporation; )  
unnamed spouses of all named )  
individual Defendants, and )  
DOES 1 through 10, inclusive, )  
Defendants. )

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DEPOSITION OF:  
ERAN FIELDS, VOLUME I  
FRIDAY, SEPTEMBER 22, 2023  
9:28 a.m.

REPORTED BY:  
Vickie Blair  
CSR No. 8940, RPR-CRR  
JOB NO. 6058796  
PAGES 1 - 386

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<p>1 Deposition of ERAN FIELDS, the witness, taken on behalf of the Defendants, on Friday, September 22, 2023, 2 9:28 a.m., 330 North Brand Boulevard, Fourth Floor, Lexington Conference Room, Glendale, California before 3 VICKIE BLAIR, CSR No. 8940, RPR-CRR. 4 APPEARANCES OF COUNSEL: 5 FOR PLAINTIFF THE ICON AT PANORAMA, LLC: 6 MORRISON &amp; FOERSTER LLP BY WHITNEY R. O'BYRNE, Partner 7 707 Wilshire Boulevard Los Angeles, California 90017-3543 8 (213) 892-5200 wobyne@mofo.com (Appearing Remotely) 9 MORRISON &amp; FOERSTER LLP BY TIMOTHY A. TROST, Associate 10 707 Wilshire Boulevard Los Angeles, California 90017-3543 11 (213) 892-5200 ttrost@mofo.com 12 13 MORRISON &amp; FOERSTER LLP BY CHRISTOPHER R. ADLER, Associate 14 707 Wilshire Boulevard Los Angeles, California 90017-3543 15 (213) 892-5492 cadler@mofo.com 16 FOR DEFENDANTS LABORERS INTERNATIONAL UNION OF NORTH AMERICA LOCAL 300, ERNESTO PANTOJA, SERGIO RASCON, ANGEL 17 OLVERA, AND SMITH ENGINEERING &amp; MANAGEMENT: 18 REICH, ADELL &amp; CVITAN A Professional Law Corporation 19 BY LAURENCE S. ZAKSON, Partner 20 330 North Brand Boulevard Suite 250 21 Glendale, California 91203 (213) 386-3860 (213) 386-5583 Fax 22 laurencez@rac-law.com 23 24 25</p>	<p>1 WILLIAMS &amp; CONNOLLY LLP BY WILLIAM D. FERRARO, Associate 2 680 Maine Avenue SW Washington, D.C. 20024 3 202-434-5429 wferraro@wc.com 4 FOR DEFENDANT SWAPE, LLC: 5 6 TYSON &amp; MENDES BY SAMUEL CAMP, Associate 5661 La Jolla Boulevard 7 San Diego, California 92037 (858) 459-4400 scamp@tysonmendes.com 8 9 ALSO PRESENT: 10 11 ERNESTO PANTOJA STEVEN TOGAMI, Videographer 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 2	Page 4
<p>1 APPEARANCES OF COUNSEL: (Continued) 2 FOR DEFENDANTS LABORERS INTERNATIONAL UNION OF NORTH AMERICA LOCAL 300, ERNESTO PANTOJA, SERGIO RASCON, ANGEL 3 OLVERA, AND SMITH ENGINEERING &amp; MANAGEMENT: (Continued) 4 REICH, ADELL &amp; CVITAN A Professional Law Corporation 5 BY AARON G. H. LAWRENCE, Partner 330 North Brand Boulevard 6 Suite 250 Glendale, California 91203 (213) 386-3860 (213) 386-5583 Fax 7 aaronl@rac-law.com 8 FOR DEFENDANTS SOUTHWEST REGIONAL COUNCIL OF CARPENTERS DANIEL LANGFORD, ALEXIS OLBREI, RON DIAMENT, and PETE 9 RODRIGUEZ: 10 SHANLEY APC BY DESMOND C. LEE, Attorney at Law 11 533 South Fremont Avenue 9th Floor 12 Los Angeles, California 90071 (213) 488-4100 (213) 488-4180 Fax 13 dlee@shanleyapc.com 14 15 WILLIAMS &amp; CONNOLLY LLP BY EDWARD C. REDDINGTON, Partner 16 680 Maine Avenue SW Washington, D.C. 20024 202-434-5063 17 ereddington@wc.com (Appearing Remotely) 18 19 WILLIAMS &amp; CONNOLLY LLP BY DANIELLE J. BARONDESS, Associate 20 680 Maine Avenue SW Washington, D.C. 20024 202-434-5246 21 dbarondess@wc.com (Appearing Remotely) 22 23 24 25</p>	<p>1 I N D E X 2 3 WITNESS EXAMINATION PAGE 4 ERAN FIELDS 5 (MR. ZAKSON) 16 6 (MR. LAWRENCE) 218 7 (MR. REDDINGTON) 313 8 9 LUNCH RECESS 10 Page 149 11 12 QUESTIONS INSTRUCTED BY COUNSEL NOT TO ANSWER 13 None 14 INFORMATION REQUESTED 15 None 16 17 E X H I B I T S 18 EXHIBIT NO. PAGE DESCRIPTION 19 Exhibit 701 35 Prospect Report: ICON Panorama, 20 February 29, 2016, Bates numbers 21 ICON0035419 through ICON0035422 22 Exhibit 702 41 "Dear Icon at Panorama" letter 23 dated May 30, 2017, Bates number 24 ICON0048631 25</p>
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1	E X H I B I T S (Continued)	1	E X H I B I T S (Continued)
2	EXHIBIT NO. PAGE DESCRIPTION	2	EXHIBIT NO. PAGE DESCRIPTION
3	Exhibit 703 55 Screenshots from Fairfield	3	Exhibit 722 138 Email, Bates number ICON0061015,
4	Residential website	4	and spreadsheet titled "14665
5	Exhibit 704 60 Email, Bates number ICON0015599	5	Roscoe Blvd. - Panorama City, CA,
6	Exhibit 705 66 Email, Bates number ICON0022358	6	Offer Comparison Matrix, May 4,
7	Exhibit 706 68 Email chain, Bates number	7	2021"
8	ICON0015339	8	Exhibit 723 145 Email, Bates number ICON0063671
9	Exhibit 707 74 Email, Bates numbers ICON0039399	9	Exhibit 724 151 Email, Bates number ICON0071177
10	and ICON0039400	10	Exhibit 725 152 Email, Bates number ICON0061682
11	Exhibit 708 76 Email chain, Bates number	11	Exhibit 726 154 Plaintiff The ICON at Panorama,
12	ICON0018436	12	LLC's Responses and Objections to
13	Exhibit 709 81 Email, Bates number ICON0018727	13	Defendant Laborers International
14	Exhibit 710 85 Email chain, Bates numbers	14	Union of North America Local 300's
15	ICON0025420 and ICON0025421	15	First Set of Requests for
16	Exhibit 711 87 Email chain, Bates numbers	16	Production
17	ICON0074149 through ICON0074151	17	Exhibit 727 164 Los Angeles Department of City
18	Exhibit 712 89 Email chain, Bates number	18	Planning, Public Scoping Meeting,
19	ICON00150855	19	Friday, September 9, 2016,
20	Exhibit 713 94 Letter from Sheppard Mullin dated	20	information
21	May 22, 2017, Bates numbers	21	Exhibit 728 168 Letter from Los Angeles
22	ICON0004483 through ICON0004493	22	Conservancy dated September 8,
23	Exhibit 714 110 Email chain, Bates number	23	2016, Bates numbers ICON0001028
24	LA0005488	24	through ICON0001031
25		25	
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1	E X H I B I T S (Continued)	1	E X H I B I T S (Continued)
2	EXHIBIT NO. PAGE DESCRIPTION	2	EXHIBIT NO. PAGE DESCRIPTION
3	Exhibit 715 112 Email chain, Bates numbers	3	Exhibit 729 169 Email chain, Bates numbers
4	LA0005489 and LA0005490	4	LA0012283 and ICON0012284
5	Exhibit 716 113 Vesting Tentative Tract Map Number	5	Exhibit 730 192 Email with attached Letter of
6	VTT-74315 (stamped map dated	6	Commitment, Bates numbers
7	February 2, 2018), Bates numbers	7	LL300 0155054 through
8	ICON0003489 through ICON0003578	8	LL300 0155059
9	Exhibit 717 115 Plaintiff The ICON at Panorama,	9	Exhibit 731 196 Email, Bates number ICON0018727
10	LLC's Responses and Objections to	10	Exhibit 732 198 Bates numbers ICON0013080 through
11	Defendant Sergio Rascon's First	11	ICON0013099
12	Set of Requests for Production	12	Exhibit 733 219 Letter from Torrey Pines Bank
13	Exhibit 718 118 Plaintiff The ICON and Panorama	13	dated November 10, 2015, Bates
14	LLC's First Supplemental Responses	14	numbers ICON0034581 through
15	and Objections to Defendant Sergio	15	ICON0034584
16	Rascon's First Set of	16	Exhibit 734 221 Email with attachments, Bates
17	Interrogatories	17	numbers ICON0048607 through
18	Exhibit 719 123 Email chain, Bates numbers	18	ICON0048613
19	ICON0068731 through ICON0068760	19	Exhibit 735 223 Email with attachment, Bates
20	Exhibit 720 132 Email chain, Bates numbers	20	numbers ICON0048702 and
21	ICON0061802 through ICON0061815	21	ICON0048703
22	Exhibit 721 136 Letter from Buchalter dated	22	Exhibit 736 225 Spreadsheet, Bates numbers
23	February 6, 2023, Bates numbers	23	ICON0048407.01 through
24	ICON0070793 and ICON0070794	24	ICON0048407.18
25		25	
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<p>1 E X H I B I T S (Continued)</p> <p>2 EXHIBIT NO. PAGE DESCRIPTION</p> <p>3 Exhibit 737 260 Plaintiff the ICON at Panorama,</p> <p>4 LLC's Responses and Objections to</p> <p>5 Defendant Angel Olvera's First Set</p> <p>6 of Interrogatories</p> <p>7 Exhibit 738 275 Email, Bates numbers ICON0043845</p> <p>8 and ICON0043846</p> <p>9 Exhibit 739 275 Spreadsheet, Bates numbers</p> <p>10 ICON0043846.01 through</p> <p>11 ICON0043846.20</p> <p>12 Exhibit 740 277 Email, Bates numbers ICON0050825</p> <p>13 and ICON0050826</p> <p>14 Exhibit 741 278 Spreadsheet, Bates numbers</p> <p>15 ICON0050826.01 through</p> <p>16 ICON0050826.20</p> <p>17 Exhibit 742 279 Email chain, Bates numbers</p> <p>18 ICON0062420 through ICON0062422</p> <p>19 Exhibit 743 279 Spreadsheet, Bates numbers</p> <p>20 ICON0062422.01 through</p> <p>21 ICON0062422.18</p> <p>22 Exhibit 744 285 Email with attachments, Bates</p> <p>23 numbers ICON0071515 through</p> <p>24 ICON0071536</p> <p>25</p> <p>Page 10</p>	<p>1 E X H I B I T S (Continued)</p> <p>2 EXHIBIT NO. PAGE DESCRIPTION</p> <p>3 Exhibit 754 368 Memorandum of Understanding</p> <p>4 between Southwest Regional Council</p> <p>5 of Carpenters and The ICON</p> <p>6 Panorama, LLC, Bates numbers</p> <p>7 ICON0012411 through ICON0012414</p> <p>8</p> <p>9 PREVIOUSLY MARKED EXHIBITS</p> <p>10 EXHIBIT NO. PAGE DESCRIPTION</p> <p>11 Exhibit 582 72 Resolution</p> <p>12 Exhibit 586 78 Email chain, Bates number</p> <p>13 ICON00502097</p> <p>14 Exhibit 588 99 Email, Bates number LA0005168</p> <p>15 Exhibit 589 100 Email, Bates number LA0005434</p> <p>16 Exhibit 590 103 Email, Bates number ICON0048291</p> <p>17 Exhibit 591 104 Email chain, Bates number</p> <p>18 ICON0052755</p> <p>19 Exhibit 592 105 Email chain, Bates numbers</p> <p>20 ICON0042078 and ICON0042079</p> <p>21 Exhibit 593 106 Email, Bates number ICON0052856</p> <p>22 Exhibit 594 108 Email chain, Bates numbers</p> <p>23 ICON0048376 and ICON0048377</p> <p>24</p> <p>25</p> <p>Page 12</p>
<p>1 E X H I B I T S (Continued)</p> <p>2 EXHIBIT NO. PAGE DESCRIPTION</p> <p>3 Exhibit 745 285 Spreadsheet, Bates numbers</p> <p>4 ICON0071536.01 through</p> <p>5 ICON0071536.18</p> <p>6 Exhibit 746 288 Email with attachments, Bates</p> <p>7 numbers ICON0071537 through</p> <p>8 ICON0071555</p> <p>9 Exhibit 747 292 The Icon at Panorama Pro Forma</p> <p>10 Models</p> <p>11 Exhibit 748 311 Email with attachment, Bates</p> <p>12 numbers ICON0068838 and</p> <p>13 ICON0068839</p> <p>14 Exhibit 749 318 ICON Panorama Investor List, Bates</p> <p>15 number ICON0074157</p> <p>16 Exhibit 751 322 Spreadsheet, Bates number</p> <p>17 ICON0036501</p> <p>18 Exhibit 750 N/A (Marked as Exhibit 734)</p> <p>19 Exhibit 752 330 Email chain, Bates numbers</p> <p>20 ICON0012723 and ICON0012724</p> <p>21 Exhibit 753 352 Email with attachment, Bates</p> <p>22 numbers SWRCC_000128751 and</p> <p>23 SWRCC_000128752</p> <p>24</p> <p>25</p> <p>Page 11</p>	<p>1 PREVIOUSLY MARKED EXHIBITS (Continued)</p> <p>2 EXHIBIT NO. PAGE DESCRIPTION</p> <p>3 Exhibit 595 108 Tobias Avenue, Conceptual Striping</p> <p>4 Improvement, Figure 1, Bates number</p> <p>5 ICON0048378</p> <p>6 Exhibit 627 266 Email chain with attachments, Bates</p> <p>7 numbers CWD00001081 through</p> <p>8 CWD00001085</p> <p>9 Exhibit 632 268 Email chain, Bates numbers</p> <p>10 ICON0013024 through ICON0013026</p> <p>11 Exhibit 633 272 Email chain, Bates numbers</p> <p>12 ICON0015195 through ICON0015197</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 13</p>

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1 of the issues that came up was result of comments made 11:24:40	1 expressed frustration that they had filed a comment 11:27:17
2 by the owner of the mall across the street; is that 11:24:43	2 without giving you a heads-up; is that correct? 11:27:20
3 correct? 11:24:43	3 MR. TROST: Objection to form. 11:27:23
4 A Primstor, yes. 11:24:46	4 THE WITNESS: I don't remember, but I 11:27:24
5 Q I want to show you a document which we're 11:24:47	5 think that's right, I think that's right. 11:27:25
6 going to mark for identification as Exhibit 713. It's 11:24:58	6 BY MR. ZAKSON: 11:27:26
7 a letter on Sheppard Mullen letterhead, bearing Bates 11:25:01	7 Q And you were a little bit heated in that 11:27:27
8 stamp numbers ICON 4483 through 4493. 11:25:06	8 meeting, weren't you? 11:27:29
9 First, have you seen this document before? 11:25:18	9 MR. TROST: Objection to form. 11:27:30
10 I'm sorry, I'm going too fast. 11:25:26	10 THE WITNESS: Which meeting? 11:27:30
11 A Yes, I remember this. 11:25:46	11 BY MR. ZAKSON: 11:27:32
12 (Deposition Exhibit 713 was marked 11:25:46	12 Q The -- the -- well, it could have been -- 11:27:32
13 for identification and is attached 11:25:46	13 when you expressed your frustration to Primstor about 11:27:34
14 hereto.) 11:25:49	14 having filed a comment, you were a little bit heated, 11:27:37
15 BY MR. ZAKSON: 11:25:49	15 weren't you? 11:27:40
16 Q And do you recognize this as the comment 11:25:49	16 A That I don't remember, I don't know if I 11:27:41
17 letter that was filed by the Sheppard Mullen firm on 11:25:51	17 was heated, I don't know. 11:27:43
18 behalf of Primstor? 11:25:57	18 Q You don't recall? 11:27:44
19 A Yes, sir. 11:25:58	19 A There was a -- it was a -- a discussion, I 11:27:44
20 Q And were you surprised when Primstor filed 11:25:58	20 think it was fairly civil ultimately. 11:27:52
21 this comment? 11:26:03	21 Q So you don't recall if you started out 11:27:57
22 A I was. 11:26:03	22 heated in that conversation? 11:27:59
23 Q You were? 11:26:03	23 MR. TROST: Objection to form. 11:28:01
24 A I was, yeah. 11:26:04	24 THE WITNESS: Can you define what "heated" 11:28:01
25 Q So, prior to receiving this comment, had 11:26:05	25 means. 11:28:04
Page 94	Page 96
1 you met with Primstor's principal? 11:26:08	1 BY MR. ZAKSON: 11:28:04
2 A I did. 11:26:10	2 Q You were -- you expressed your frustration 11:28:08
3 Q Had anyone from Primstor communicated with 11:26:10	3 in a very visible way during that meeting; correct? 11:28:12
4 ICON about the concerns in the letter which has been 11:26:13	4 MR. TROST: Objection to form. 11:28:17
5 marked for identification as Exhibit 713 prior to it 11:26:16	5 THE WITNESS: It's a very tough question 11:28:17
6 being filed with the City of Los Angeles? 11:26:19	6 to answer. I was there to try to address their 11:28:21
7 MR. TROST: Objection to form. 11:26:22	7 concerns, but certainly frustrated that they didn't 11:28:28
8 THE WITNESS: No, I don't recall them 11:26:22	8 raise any concerns when we met, and that would have 11:28:35
9 bringing it to our attention after meeting them. 11:26:27	9 been what we felt was the appropriate neighborly thing 11:28:41
10 BY MR. ZAKSON: 11:26:30	10 to do, which is normal, and I think I mentioned to them 11:28:45
11 Q And, when you met with Primstor, you 11:26:35	11 that they could have saved a lot of time and effort and 11:28:50
12 understood that they were generally supportive of your 11:26:38	12 money going to an expensive law firm if we could have 11:28:52
13 project; is that correct? 11:26:42	13 just had a burger at In-n-Out Burger and just handled 11:28:56
14 MR. TROST: Objection to form. 11:26:43	14 this. 11:29:00
15 THE WITNESS: That's what they 11:26:43	15 BY MR. ZAKSON: 11:29:00
16 represented. We reached out to them as just a courtesy 11:26:46	16 Q Did -- did you shout at the Primstor 11:29:00
17 to explain the project -- since they were neighbors, 11:26:48	17 representatives at that meeting? 11:29:02
18 explain the project to them, and -- and as part of our 11:26:50	18 MR. TROST: Objection to form. 11:29:05
19 outreach, a general outreach. 11:26:55	19 THE WITNESS: I don't recall that, no, I 11:29:06
20 BY MR. ZAKSON: 11:27:01	20 don't think so, but I don't know. I don't recall that 11:29:08
21 Q So when you received this comment, you 11:27:01	21 at all. 11:29:10
22 asked Primstor to meet with you; correct? 11:27:03	22 BY MR. ZAKSON: 11:29:13
23 A I think that's -- that was the next kinda 11:27:05	23 Q So those comments from the Sheppard Mullen 11:29:24
24 step. 11:27:14	24 firm on behalf of Primstor prompted the -- a revised 11:29:29
25 Q And when you met with Primstor, you 11:27:14	25 draft EIR; isn't that correct? 11:29:33
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1 MR. TROST: Objection to form. 11:29:40	1 Sheppard Mullen letter; correct? 11:33:17
2 THE WITNESS: The city determined that we 11:29:41	2 A That's -- yes. 11:33:19
3 should circulate the EIR based on a future accumulative 11:29:42	3 Q And -- and you were a part of the 11:33:20
4 impact, so that's what we did, based on their potential 11:29:46	4 discussions from that point forward; is that correct? 11:33:23
5 project down the road. 11:29:50	5 A I was. 11:33:26
6 BY MR. ZAKSON: 11:29:50	6 Q And after you sent that letter, or that 11:33:27
7 Q And that was because of the inclusion of 11:29:52	7 email, rather, Exhibit 588, you then met with Mr. -- 11:33:38
8 the Panorama mall across the road and related traffic 11:29:55	8 sorry, had a phone call with Mr. Sneider and his team. 11:33:46
9 impacts; correct? 11:29:59	9 Do you recall that? 11:33:49
10 A The potential project, yeah. 11:29:59	10 A I don't remember what the next steps were, 11:33:49
11 Q And you were present at the deposition 11:30:05	11 I do remember having discussions with them, and then 11:33:51
12 of -- I'm going to screw up her name, but 11:30:10	12 having that meeting in person with our traffic 11:34:01
13 Ms. Zasadzien? 11:30:13	13 consultants and Sheppard Mullen. 11:34:04
14 A Milena. 11:30:13	14 Q I'm going to show you what's been marked 11:34:06
15 Q Yes. 11:30:14	15 previously as Exhibit 589, and that's an email from you 11:34:09
16 A I was, yes. 11:30:15	16 Mr. Dantona and Mr. Pantoja and Ms. Zasadzien. 11:34:18
17 Q And you heard her say that the traffic 11:30:16	17 You've seen this before; correct? 11:34:21
18 impacts from the Panorama mall were what triggered the 11:30:20	18 A One second. 11:34:22
19 revised draft EIR; is that correct? 11:30:27	19 Okay. 11:34:32
20 A Yes, I did. 11:30:29	20 (Exhibit 589 herein referenced was 11:34:32
21 Q And the revised draft EIR is an additional 11:30:32	21 previously marked and is attached hereto.) 11:34:33
22 step between a DIR and a final E- -- EIR; correct? 11:30:37	22 BY MR. ZAKSON: 11:34:33
23 A That's correct. 11:30:43	23 Q And this indicates that you had a phone 11:34:34
24 MR. TROST: Objection to form. 11:30:45	24 call with Mr. Sneider and his team to discuss some of 11:34:35
25 /// ///	25 his concerns and that you -- correct? 11:34:38
Page 98	Page 100
1 BY MR. ZAKSON: 11:30:45	1 A Yeah. 11:34:42
2 Q And the consequence of an additional step 11:30:45	2 Q And then you followed that up with a 11:34:43
3 is that it lengthens the environmental review process 11:30:47	3 planned meeting; correct? 11:34:45
4 by the City of L.A.; isn't that correct? 11:30:49	4 A Yes. 11:34:46
5 MR. TROST: Objection to form. 11:30:54	5 Q And did that meeting actually take place? 11:34:51
6 THE WITNESS: That's correct. 11:30:55	6 A It did. 11:34:55
7 BY MR. ZAKSON: 11:30:56	7 Q Okay. And when did that meeting take 11:34:56
8 Q I'm very glad you remembered that comment 11:31:21	8 place? 11:34:57
9 by Ms. Zasadzien because that's a gigantic transcript. 11:31:24	9 A I thought we discussed it earlier, that's 11:34:58
10 So I'm going to show you what's been 11:31:45	10 when I got very heated, apparently. 11:35:00
11 previously marked as Exhibit 588. Let me know when you 11:31:47	11 Q And who was present at that meeting? 11:35:04
12 have that in front of you if you would, please. 11:32:21	12 A It was actually not Arturo, it was his 11:35:05
13 So you've seen the email that's 11:32:33	13 partner and traffic consultant and the land use 11:35:09
14 Exhibit 588 before today; correct? 11:32:36	14 attorney; and then from our side, our land -- our land 11:35:20
15 A Yes. 11:32:53	15 use attorney, our consultant, PSOMAS, and myself, and I 11:35:23
16 (Exhibit 588 herein referenced was 11:32:53	16 can't remember if our traffic engineer was there, but 11:35:28
17 previously marked and is attached hereto.) 11:32:54	17 he may have been. 11:35:31
18 BY MR. ZAKSON: 11:32:54	18 Q So when you say the -- you mentioned 11:35:36
19 Q And -- and so you not only sent -- I'm 11:32:56	19 PSOMAS, but you mentioned a traffic consultant. 11:35:38
20 sorry, so, first of all, Arturo in the -- this email is 11:32:59	20 So that's the Primstor traffic consultant? 11:35:42
21 Arturo Sneider, who's a principal at Primstor; is that 11:33:05	21 A Yeah, they had a traffic consultant there, 11:35:46
22 correct? 11:33:10	22 and I don't recall if our traffic consultant was at the 11:35:48
23 A That's correct. 11:33:10	23 meeting, they could have been. Leandro was the person 11:35:50
24 Q And the purpose of this email was to have 11:33:10	24 representing Primstor. 11:35:59
25 a meeting with Primstor to discuss the comments in that 11:33:12	25 Q All right. So Leandro is the person that 11:36:00
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1 MR. TROST: Objection to form. 12:21:14	1 BY MR. ZAKSON: 12:23:38
2 THE WITNESS: I thought I responded to 12:21:15	2 Q So this email string generally includes 12:24:18
3 that in the previous question. It's the same question. 12:21:17	3 Mr. Ruvelson; correct? 12:24:21
4 BY MR. ZAKSON: 12:21:23	4 A Yes. 12:24:22
5 Q So you'd give the same answer, which is 12:21:23	5 Q And it includes someone named John 12:24:25
6 that you're not aware of other than -- 12:21:27	6 DeGrinis or DeGrinis? 12:24:28
7 A And the answer was that I am certain there 12:21:29	7 A Yes. 12:24:31
8 are many; but, at this stage, I can't name them. 12:21:34	8 Q Do you know who Mr. DeGrinis is? 12:24:31
9 Q Okay. Are you aware of someone by the 12:21:44	9 A Seems as if he's a colleague of Jeff 12:24:34
10 name of Jeff Abraham? 12:21:45	10 Abraham. 12:24:34
11 A Yes. 12:21:47	11 Q Okay. I'm going to go through this email 12:24:43
12 Q Jeff Abraham, at least for some time 12:21:49	12 string with you the way emails work, so we're going to 12:24:44
13 period, was associated with a company called Newmark? 12:21:51	13 start on the last page and work our way forward. 12:24:47
14 A That's correct. 12:21:53	14 A Okay. 12:24:49
15 Q What's your understanding of what Newmark 12:21:54	15 Q So I'd like to direct your attention to 12:24:50
16 is? 12:21:59	16 the page that bears at the bottom ICON 68757. 12:24:55
17 A It's a brokerage firm. 12:21:59	17 Do you see that? 12:25:13
18 Q That's a real estate brokerage firm? 12:22:01	18 A Yes. 12:25:13
19 A Yes. 12:22:03	19 Q So this references a tour that you gave 12:25:13
20 Q And is Mr. Abraham a real estate agent? 12:22:04	20 to -- to -- was it just Mr. Abraham or was it more than 12:25:24
21 A He's a real estate broker, I think he 12:22:09	21 Mr. Abraham? 12:25:28
22 would be offended by real estate agent. 12:22:14	22 A Hmm, I think it was more than him, from 12:25:28
23 Q Okay. A real estate broker? 12:22:17	23 what I remember. It was a little while ago. We met, 12:25:34
24 A Yes. 12:22:19	24 you know, a number of times, so let's assume Jeff. 12:25:36
25 Q And you had some correspondence with 12:22:19	25 Q So at least Jeff and -- 12:25:40
Page 122	Page 124
1 Mr. Abraham about the ICON Panorama project in about 12:22:26	1 A Sure. 12:25:40
2 2020 and 2021; correct? 12:22:31	2 Q -- possibly others? 12:25:42
3 MR. TROST: Objection to form. 12:22:34	3 A Yeah. 12:25:43
4 THE WITNESS: I have, yes. 12:22:35	4 Q And the purpose of this meeting was to 12:25:43
5 BY MR. ZAKSON: 12:22:35	5 discuss selling the project? 12:25:47
6 Q And the purpose of that communication was 12:22:42	6 A Yes. 12:25:47
7 to potentially retain Newmark and Mr. Abraham to assist 12:22:53	7 Q And the reference to the set on the "Saw" 12:25:48
8 you with the ICON Panorama project; is that correct? 12:22:57	8 movie is a joke, I take it? 12:25:54
9 MR. TROST: Objection to form. 12:23:00	9 A Seems -- seems so, yes. 12:25:58
10 THE WITNESS: Assist in what way? 12:23:01	10 Q Okay. I'm going to next ask you to turn 12:26:04
11 BY MR. ZAKSON: 12:23:04	11 to the page which says 68749 at the bottom. Let me 12:26:15
12 Q In any way. 12:23:05	12 know when you're there. 12:26:28
13 A That's pretty general. Can you just be a 12:23:05	13 A Yep. 12:26:30
14 bit more specific, if you don't mind, please. 12:23:13	14 Q So you might want to look first just at -- 12:26:31
15 Q I'm going to show you what we'll marked 12:23:15	15 on page 68748, it shows the to and from, so from 12:26:35
16 for identification as Exhibit 719. It's a very long 12:23:20	16 Mr. Abraham to Mr. Ruvelson and you and Mr. DeGrinis. 12:26:41
17 email string starting on page Bates stamp ICON 68731, 12:23:23	17 Do you see that? 12:26:45
18 ending on Bates stamp ICON 68760. 12:23:30	18 A Uh-huh, yep. 12:26:45
19 Let me know when you have it in front of 12:23:35	19 Q Okay. And that's not what I wanted ask 12:26:47
20 you if you would, please. 12:23:37	20 you about, I just wanted you to have that for context. 12:26:49
21 A Okay. 12:23:38	21 A Okay. 12:26:51
22 (Deposition Exhibit 719 was marked 12:23:38	22 Q So, going to the next page, 68749, 12:26:53
23 for identification and is attached 12:23:38	23 Mr. Abraham is talking about a marketing piece, and -- 12:26:58
24 hereto.) 12:23:38	24 so the purpose of that marketing piece is to market The 12:27:06
25 ///	25 ICON project to potential purchasers; is that correct? 12:27:11
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1	A	Correct.	12:27:13	1	the other?	12:29:39	
2	Q	And then I'm going to ask you if you know	12:27:14	2	A	I don't, I really don't, no.	12:29:39
3		if Mr. Abraham marketed the property in 2019 to any	12:27:30	3	Q	Okay. I'm going to ask you to turn to	12:29:41
4		prospects?	12:27:35	4		page bearing at the bottom 68741. And, again, the	12:29:43
5	A	I think he did.	12:27:36	5		email starts on 68740. It's from you to Mr. Abraham	12:29:55
6	Q	Isn't it true that he marketed it to four	12:27:37	6		and Mr. Ruvelson, copying Mr. DeGrinis.	12:30:01
7		prospects in 2019?	12:27:43	7		Do you see that?	12:30:06
8	A	I don't remember exactly how many, but --	12:27:45	8	A	Hmm, is this starting at the top? Yes.	12:30:06
9	Q	And isn't it true --	12:27:45	9	Q	So this -- this question that you posed	12:30:10
10	A	-- could have, yeah.	12:27:47	10		where you say "Thanks Jeff," you're asking Mr. Abraham	12:30:20
11	Q	I'm sorry. Were you finished?	12:27:48	11		if he went back on the market, if you might have takers	12:30:26
12	A	Yeah, sorry.	12:27:51	12		when you didn't before? Is that what that question	12:30:31
13	Q	I didn't mean to step on you.	12:27:51	13		means?	12:30:34
14		And isn't it true that all of them passed	12:27:54	14	MR. TROST:	Objection to form.	12:30:35
15		on the project at that time?	12:27:57	15	THE WITNESS:	Hmm, let me see.	12:30:36
16		MR. TROST: Objection to form.	12:27:59	16		I think before he says (as read):	12:30:39
17		THE WITNESS: I don't remember, but could	12:27:59	17		Last year was soft marketing. We	12:30:40
18		be true.	12:28:03	18		only went to a few users. Doing a full	12:30:42
19	BY MR. ZAKSON:		12:28:05	19		blown marketing approach would certainly	12:30:48
20	Q	None of them actually pursued purchasing	12:28:05	20		lead to more interest --	12:30:52
21		The ICON project; isn't that correct?	12:28:07	21	BY MR. ZAKSON:		12:30:53
22	A	In 2019?	12:28:13	22	Q	So that was -- that was --	12:30:53
23	Q	Correct.	12:28:14	23	A	-- and has increased.	12:30:53
24	A	That's correct.	12:28:14	24		So I wrote thanks to that, but last time	12:30:55
25	Q	All right. I'm going to ask you to turn	12:28:15	25		there weren't that many takers, "anything changed?"	12:30:57
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1		to the page that bears the Bates stamp at the bottom	12:28:17	1		And then he responded "it's almost been	12:31:00
2		68745.	12:28:20	2		five months."	12:31:03
3	A	Okay.	12:28:31	3	Q	Actually, it's the other way around	12:31:03
4	Q	Are you there?	12:28:31	4		because it's an email.	12:31:05
5	A	I am.	12:28:33	5		So your question was (as read):	12:31:08
6	Q	Okay. So Mr. Abraham writes you on	12:28:33	6		Has anything changed?	12:31:09
7		May 14, 2020, towards the bottom of the page, and this	12:28:37	7		And then his answer is what would be above	12:31:10
8		is during the COVID pandemic.	12:28:44	8		that as opposed to below.	12:31:12
9		Do you recall this email?	12:28:45	9	A	Oh, okay. So -- okay. Kind of the same,	12:31:16
10	A	Yeah, it is.	12:28:46	10		right, his response, within the theme of it.	12:31:19
11	Q	And Mr. Abraham asks you if COVID has	12:28:51	11	Q	So basically -- so -- but my question	12:31:24
12		altered your development plans.	12:28:58	12		really went to what you were asking for Mr. Abraham to	12:31:28
13		And how did you respond to that?	12:29:00	13		tell you, and I think that what you were asking him to	12:31:31
14	A	Where would that be?	12:29:02	14		tell you is why, if there were no takers in 2019, there	12:31:40
15	Q	That might be on 68744.	12:29:12	15		would be in 2020; is that correct?	12:31:44
16	A	I wrote (as read):	12:29:16	16	A	Generally wanted to get an understanding	12:31:45
17		Hi Jeff, hope all is well. Sorry	12:29:20	17		of, if we're going to do this again, whether things	12:31:48
18		for our nonresponse. I'll discuss with	12:29:22	18		would change.	12:31:51
19		Billy and send you some available times	12:29:25	19	Q	And you refer to the fact that there were,	12:31:52
20		next week.	12:29:27	20		quote, "not takers," closed quote, in 2019; is that	12:31:57
21	Q	So did you, in fact, ever catch up with	12:29:29	21		correct?	12:32:01
22		Mr. Abraham about potentially continuing to sell the	12:29:32	22	A	That's what it says, yes.	12:32:01
23		project?	12:29:34	23	Q	And so Mr. Abraham makes his pitch to you;	12:32:02
24	A	I don't remember.	12:29:36	24		correct?	12:32:12
25	Q	You don't have any recollection one way or	12:29:37	25	A	I guess.	12:32:12
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1	MR. TROST: Objection to form.	12:32:13	1	going to show you a document, a series of emails, and	12:34:49
2	THE WITNESS: Where is this -- the --	12:32:13	2	attach- -- or an email and attachment marked for	12:34:55
3	which one -- last year was more a marketing person is	12:32:17	3	identification as Exhibit 720 bearing the Bates stamp	12:34:58
4	what you mean? We only went to a few takers a full	12:32:22	4	numbers ICON 61802 through 61815.	12:35:02
5	blow -- is that what?	12:32:25	5	Was the Costco offer one of the offers	12:35:56
6	BY MR. ZAKSON:	12:32:26	6	that was brought to you by Mr. Abraham or did it come	12:35:59
7	Q Yes.	12:32:26	7	from someone else?	12:36:01
8	A Pitches, yeah, okay.	12:32:27	8	MR. TROST: Objection to form.	12:36:07
9	Q So if you'd now look at the page that	12:32:28	9	THE WITNESS: Hmm, hold on. I thought the	12:36:08
10	bears at the bottom six -- ICON 68738 --	12:32:32	10	Costco offer came from Bill Baumann and Pat from the	12:36:14
11	A Uh-huh.	12:32:32	11	Clover Company, but Bill also works with Jeff Abraham,	12:36:24
12	Q -- so you're referring to a conversation	12:32:38	12	he's just a different division of Newmark.	12:36:30
13	with Mr. Abraham; is that correct?	12:32:41	13	(Deposition Exhibit 720 was marked	12:36:30
14	A Yep.	12:32:45	14	for identification and is attached	12:36:30
15	Q Was that just you and Mr. Abraham or was	12:32:45	15	hereto.)	12:36:39
16	anybody else on that conversation, to your	12:32:48	16	BY MR. ZAKSON:	12:36:39
17	recollection?	12:32:51	17	Q So you received expression of interest	12:36:44
18	A I don't remember, may have been just him.	12:32:51	18	from Costco; correct?	12:36:47
19	Q Was that a phone call?	12:32:54	19	A We did.	12:36:48
20	A It must have been, yes.	12:32:56	20	Q And, when you received that expression of	12:36:48
21	Q And so you tell Mr. Abraham that you're	12:32:57	21	interest from Costco, Costco also sent you basically a	12:36:54
22	"okay with marketing this for sale, as we discussed."	12:33:04	22	letter expressing its interest; correct?	12:37:04
23	"This" is the ICON Panorama project?	12:33:07	23	A Yes.	12:37:06
24	A Correct.	12:33:10	24	Q And would you call that a letter of	12:37:06
25	Q And then you ask him what he needs from	12:33:11	25	intent?	12:37:08
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1	you to start the process, and you guys execute some	12:33:18	1	A Yes.	12:37:08
2	paperwork thereafter; is that correct?	12:33:21	2	Q And there's a discussion of an increase in	12:37:08
3	MR. TROST: Objection to form.	12:33:23	3	the transfer tax.	12:37:16
4	THE WITNESS: That's what it says.	12:33:28	4	Do you see that on -- I think it was page	12:37:18
5	I don't -- Jeff, listing agreements, sent	12:33:29	5	16810 -- I'm sorry, 61802?	12:37:24
6	versions, circle back, end of the week, touch --	12:33:38	6	A Yep, I see that.	12:37:29
7	listing agreement, please call to discuss.	12:33:40	7	Q This was a so-called mansion tax on	12:37:30
8	Am I going the wrong direction?	12:33:45	8	transfers over \$5 million.	12:37:33
9	MR. TROST: No, I think you've got the	12:33:47	9	Do you recall that?	12:37:36
10	right one.	12:33:50	10	A Yes.	12:37:37
11	THE WITNESS: Oh, yeah. Okay. So they're	12:33:51	11	Q ICON didn't anticipate the possibility of	12:37:37
12	all away, and then -- yes, first page, seems like we	12:33:53	12	this transfer tax when it undertook the	12:37:41
13	fully executed the agreement.	12:33:58	13	development of -- or undertook its discussions with	12:37:43
14	BY MR. ZAKSON:	12:34:00	14	Costco; is that correct?	12:37:46
15	Q Thank you.	12:34:03	15	MR. TROST: Objection to form.	12:37:48
16	You can hand that back to the court	12:34:04	16	THE WITNESS: Just repeat that question.	12:37:50
17	reporter.	12:34:14	17	BY MR. ZAKSON:	12:37:51
18	So do you recall that Mr. Abraham did, in	12:34:14	18	Q Did -- did ICON anticipate the possibility	12:37:52
19	fact, uncover at least one offer?	12:34:35	19	of this transfer tax when it undertook to develop --	12:37:53
20	A I recall there was an offer, there was an	12:34:39	20	the conversations with Costco?	12:37:59
21	offer.	12:34:42	21	A I don't remember if they were anticipated,	12:38:02
22	Q I'm sorry?	12:34:42	22	we just raised that issue when we found out about that	12:38:04
23	A I recall there was at least one offer,	12:34:42	23	possibility.	12:38:07
24	yeah.	12:34:45	24	Q Okay. But that transfer tax did not exist	12:38:09
25	Q So next in order will be Exhibit 720. I'm	12:34:45	25	at the time that you started The ICON project in 2016;	12:38:11
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1 correct? 12:38:16	1 BY MR. ZAKSON: 12:41:57
2 A Correct. 12:38:16	2 Q I'm going to show you a document marked 12:41:58
3 MR. TROST: Objection to form. 12:38:17	3 for identification as Exhibit 721. It's a letter on 12:41:58
4 THE WITNESS: Sorry. 12:38:18	4 the Buchalter firm letterhead bearing Bates numbers 12:42:00
5 BY MR. ZAKSON: 12:38:18	5 ICON 70793 and 70794. 12:42:02
6 Q And it did not exist at the time that you 12:38:18	6 Have you seen this letter marked for 12:42:34
7 got your entitlements in 2018; is that correct? 12:38:20	7 identification as Exhibit 721 before? 12:42:36
8 A That's correct. 12:38:23	8 A Yes. 12:42:38
9 Q And it was not adopted until November of 12:38:23	9 (Deposition Exhibit 721 was marked 12:42:38
10 2022; correct? 12:38:30	10 for identification and is attached 12:42:38
11 MR. TROST: Objection to form. 12:38:31	11 hereto.) 12:42:39
12 THE WITNESS: I think it was adopted in 12:38:32	12 BY MR. ZAKSON: 12:42:39
13 November, but it went -- it was -- went into place in 12:38:34	13 Q And this was a termination of the purchase 12:42:44
14 April, the following year -- year, I think, is when it 12:38:38	14 agreement you just referenced with Costco; is that 12:42:53
15 was triggered. 12:38:43	15 correct? 12:42:55
16 BY MR. ZAKSON: 12:38:44	16 A It was. 12:42:55
17 Q So, turning your attention to page 61807, 12:38:44	17 Q And do you know why Costco terminated the 12:42:55
18 which is this letter of intent from Costco, I see that 12:38:53	18 purchase agreement? 12:43:01
19 it was signed by you. 12:39:00	19 MR. TROST: Objection to form. 12:43:02
20 Was it ever signed by Costco? 12:39:02	20 THE WITNESS: From what they told us, the 12:43:02
21 A Ult- -- let me see. I don't remember, 12:39:05	21 upper management changed their plans related to having 12:43:11
22 but -- 12:39:15	22 more than one of the stores, I guess they have another 12:43:27
23 Q You don't have any recollection whether 12:39:15	23 store fairly close by, so not to kind of cannibalize 12:43:32
24 Costco ever signed this? 12:39:17	24 the other or something like that, it was initially they 12:43:36
25 A No, sometimes you miss these things and 12:39:18	25 wanted to have another one there and then they decided 12:43:38
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1 they -- it acts as a signature, but it may be just that 12:39:22	1 that they didn't, something like that. 12:43:41
2 this version's missing it, but I can't definitively say 12:39:25	2 BY MR. ZAKSON: 12:43:44
3 if there was another version, but it's -- their 12:39:32	3 Q So, in other words, because it was too 12:43:44
4 execution. 12:39:35	4 close to some other store, that's what they told you? 12:43:46
5 Q Is it your best recollection that Costco 12:39:36	5 A Well, that's what they told us. I don't 12:43:48
6 signed the letter of intent? 12:39:39	6 know. They're not obligated to tell us anything 12:43:51
7 A I don't remember -- 12:39:40	7 really. 12:43:53
8 Q Did Costco -- 12:39:40	8 Q So the Costco offer to purchase the 12:43:53
9 A -- but I wouldn't be surprised. 12:39:45	9 property was for 47 and a half million dollars; is that 12:44:07
10 Q Did Costco make an \$800,000 deposit? 12:39:47	10 correct? 12:44:11
11 A Well, this is a letter of intent, we then 12:39:51	11 A It was, but there were some brokerage fees 12:44:11
12 enter into a purchase and sale agreement, so not off of 12:39:55	12 and so on that the purchase price would be reduced by 12:44:14
13 this. 12:39:59	13 that we were responsible for. 12:44:19
14 Q So you don't recall if you ever received a 12:40:01	14 Q Okay. And was it Costco's intent to 12:44:20
15 deposit from Costco? 12:41:06	15 sell -- I'm sorry, was it ICON's intent to sell to 12:44:50
16 A Under the purchase and sale agreement? 12:41:08	16 Costco if Costco had not terminated the agreement? 12:44:55
17 Q Yes. 12:41:11	17 A We were under contract; so, if they did 12:44:58
18 A Yes, we did receive a deposit from them. 12:41:12	18 not terminate, we would sell it to them, yes. 12:45:01
19 Q And at some point Costco terminated that 12:41:14	19 Q And you're not aware of any reason why 12:45:05
20 purchase agreement? 12:41:25	20 ICON would not have gone through with that sale; is 12:45:11
21 A Yes. 12:41:26	21 that correct? 12:45:15
22 Q So the next in order will be Exhibit 721. 12:41:26	22 A That's correct. 12:45:15
23 Is that right, Madam Reporter? 12:41:55	23 Q I'm going to show you now what we'll mark 12:45:17
24 THE REPORTER: Yes. 12:41:56	24 for identification as Exhibit 722. It is an email and 12:45:37
25 ///	25 attachment bearing Bates numbers ICON -- or Bate number 12:45:48
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1	MR. TROST: Same objection.	14:12:28	1	A	I don't remember.	14:14:41
2	THE WITNESS: If it's just a broad --	14:12:28	2	Q	Have you communicated with Mr. Ruvelson	14:14:41
3	basically have you seen a filing today or did you	14:12:30	3		about the reasons for filing this lawsuit by text	14:14:45
4	receive this or what do you think, or what's the	14:12:33	4		message?	14:14:50
5	question I guess, is it related to --	14:12:35	5	MR. TROST: Same objection.		14:14:50
6	BY MR. ZAKSON:	14:12:39	6	THE WITNESS: I don't remember.		14:14:50
7	Q I'm asking about if you've communicated	14:12:39	7	BY MR. ZAKSON:		14:14:51
8	about anything ever, and then I'll ask you more	14:12:41	8	Q	Have you undertaken to collect and produce	14:14:52
9	specific questions.	14:12:44	9		all of these communications to your counsel?	14:14:54
10	A Okay. We -- I -- I cannot answer you now	14:12:44	10	MR. TROST: Objection to form.		14:14:58
11	whether we communicated about the CEQA litigation or	14:12:49	11	THE WITNESS: We have provided what we --		14:14:59
12	matters directly without counsel CCed, but we may have.	14:12:56	12		what I found related to this production request or any	14:15:01
13	Q All right. Why don't you direct your	14:13:04	13		production request.	14:15:05
14	attention to request for production number 11.	14:13:10	14	BY MR. ZAKSON:		14:15:06
15	A So --	14:13:16	15	Q	So you communicate from time to time with	14:15:15
16	Q So the response starts --	14:13:16	16		Mr. Ruvelson by text message; correct?	14:15:17
17	A -- what page?	14:13:20	17	A	I do.	14:15:19
18	Q The response starts -- hold on a second.	14:13:21	18	Q	Have your text message communications with	14:15:19
19	MR. LAWRENCE: On page 10.	14:13:24	19		Mr. Ruvelson included texts about any of the underlying	14:15:24
20	BY MR. ZAKSON:	14:13:25	20		CEQA filings in this case?	14:15:28
21	Q On page 10.	14:13:25	21	MR. TROST: Objection to form.		14:15:30
22	A Yep.	14:13:27	22	THE WITNESS: Again, I don't recall, and I		14:15:30
23	Q So have you and Mr. Ruvelson communicated	14:13:27	23		doubt it, but I don't recall.	14:15:36
24	with one another about the reasons for filing this	14:13:44	24	BY MR. ZAKSON:		14:15:37
25	lawsuit?	14:13:47	25	Q	Did you have such -- any such texts in	14:15:39
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1	MR. TROST: Objection to form.	14:13:47	1		your possession in January of 2019 when you filed this	14:15:41
2	THE WITNESS: Have we communicated with	14:13:48	2		lawsuit?	14:15:44
3	each other about the reason for signing -- for filing	14:13:51	3	MR. TROST: Objection to form.		14:15:45
4	this federal lawsuit?	14:13:54	4	THE WITNESS: I think I just answered. I		14:15:45
5	BY MR. ZAKSON:	14:13:55	5		don't recall if I -- so I don't know -- I provided what	14:15:49
6	Q Yes.	14:13:56	6		I found in texts related to this litigation, which was	14:15:52
7	A Yes.	14:13:56	7		I don't think anything.	14:15:55
8	Q And have you done so by email?	14:13:57	8	BY MR. ZAKSON:		14:15:58
9	A Hmm, meaning I emailed him or he emailed	14:13:59	9	Q	Have you texted Mr. Ruvelson about ICON's	14:16:02
10	me and said we should be doing -- I don't -- I don't	14:14:07	10		interactions with the laborers union?	14:16:04
11	remember, but possibly.	14:14:11	11	MR. TROST: Objection to form. Vague.		14:16:09
12	Q Yeah, anything relating to your decision	14:14:11	12	THE WITNESS: With the Laborers union at		14:16:10
13	to file the lawsuit?	14:14:14	13		any given time?	14:16:14
14	MR. TROST: Objection. Calls for	14:14:15	14	BY MR. ZAKSON:		14:16:15
15	attorney-client privilege -- privileged documents --	14:14:18	15	Q	I'm asking you at any time, yeah.	14:16:15
16	MR. ZAKSON: It does not.	14:14:18	16	A	I don't remember. Maybe, I don't	14:16:18
17	MR. TROST: -- and communications.	14:14:19	17		remember. I didn't find any, anything related to that.	14:16:19
18	MR. ZAKSON: That's a yes-or-no question.	14:14:19	18	Q	When you say "I didn't find anything,"	14:16:23
19	MR. TROST: So long as you can answer	14:14:21	19		what is it you're saying that you didn't find?	14:16:27
20	without revealing privileged materials, please answer.	14:14:23	20	A	Meaning I went into -- from my	14:16:31
21	THE WITNESS: So what's -- can you just	14:14:27	21		recollection, I went into my text messages to look at	14:16:37
22	repeat the question, Mr. Zakson.	14:14:27	22		anything related to this lawsuit and didn't find	14:16:39
23	BY MR. ZAKSON:	14:14:30	23		anything.	14:16:42
24	Q Have you communicated with Mr. Ruvelson	14:14:30	24	Q	Have you texted with Mr. Ruvelson about	14:16:42
25	about the reason for filing this lawsuit by email?	14:14:31	25		the Superior Court's ruling on the union's CEQA	14:16:49
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1 preference there? 18:37:50	1 what, if you want me to, but not -- 18:40:00
2 THE REPORTER: That's fine, Counsel. 18:37:51	2 Q I mean, I don't want you to guess, I'm 18:40:04
3 MR. REDDINGTON: Okay. 18:37:51	3 just interested in whether you know or not. 18:40:06
4 THE REPORTER: You can re- -- you can put 18:37:55	4 A No, I don't. Sorry. 18:40:10
5 652 stamp on it. 18:37:58	5 Q Okay. So, in May of 2017, an 18:40:10
6 MR. REDDINGTON: 752; right? 18:38:07	6 environmental attorney named Richard Drury and his law 18:40:18
7 THE REPORTER: 752, I'm sorry. Yes. 18:38:07	7 firm, Lozeau Drury, submitted comments on the draft EIR 18:40:22
8 MR. REDDINGTON: All right. And I -- I'll 18:38:07	8 for the ICON project to the Department of City 18:40:26
9 just note we -- we're -- we are -- this is not a highly 18:38:08	9 Planning. 18:40:29
10 confidential document, so I don't know if anybody's 18:38:10	10 You're -- you -- you're aware of that; 18:40:30
11 there that was asked to step out or not, but we're off 18:38:13	11 right? 18:40:31
12 the highly confidential one now. 18:38:16	12 A I am, yes. 18:40:31
13 BY MR. REDDINGTON: 18:38:16	13 Q All right. And do you know Mr. Drury 18:40:32
14 Q And, for the record, what is going to be 18:38:22	14 personally? 18:40:34
15 now Exhibit 752, Mr. Fields, is -- is a document Bates 18:38:25	15 A I do not. 18:40:35
16 labeled ICON0012723. 18:38:28	16 Q Have you ever spoken with him? 18:40:35
17 A Okay. I'm waiting for it to load up. 18:38:34	17 A I think just pleasantries, and I think at 18:40:39
18 Q Okay. No worries. Just let me know when 18:38:37	18 some of the hearings that he attended, he was there 18:40:50
19 you have it. 18:38:39	19 kind of standing with his clients. I'm sorry, this -- 18:40:53
20 A Okay. 18:38:39	20 Q Yeah, no worries. I usually walk away 18:41:03
21 I just got it. Okay. Got it. 18:38:42	21 with that at some point during a deposition. 18:41:05
22 (Deposition Exhibit 752 was marked 18:38:47	22 A I just never -- it keeps falling off. 18:41:08
23 for identification and is attached 18:38:47	23 Okay. Hopefully this works. 18:41:13
24 hereto.) 18:38:48	24 So we may have said -- you know, spoken 18:41:13
25 /// ///	25 briefly, but nothing that I specific -- specifically 18:41:16
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1 BY MR. REDDINGTON: 18:38:48	1 remember. 18:41:18
2 Q All right. And this looks like an email 18:38:48	2 Q All right. And -- and nothing 18:41:24
3 exchange, at the top, between Mr. Ruvelson and you 18:38:50	3 substantive, just exchanging pleasantries -- 18:41:25
4 on -- on June 12, 2017; is that right? 18:38:55	4 A I think so. 18:41:25
5 A Yes. 18:38:58	5 Q -- Hi, how are you, that sort of thing? 18:41:28
6 Q And do you remember what Mr. Ruvelson was 18:38:59	6 A I think so mostly, yes. 18:41:30
7 writing about when he said "I never heard anything back 18:39:03	7 Q Okay. And do you remember the first time 18:41:31
8 from you"? 18:39:06	8 you might have met him to -- to exchange pleasantries? 18:41:33
9 A I do not. 18:39:07	9 A Hmm, I'm -- I think it was the first 18:41:35
10 Q And do you remember what he was asking 18:39:08	10 hearing that they showed up to to -- "they" meaning his 18:41:44
11 about when he asked you to "Please advise"? 18:39:12	11 clients and himself, to speak in opposition to a 18:41:48
12 A Hmm, I can speculate what -- I just don't 18:39:16	12 project -- of our project. 18:41:53
13 remember what he meant, but I'm guessing to review 18:39:32	13 Q And, when you say "a hearing," are you 18:41:54
14 these general contractors, that Ron Diamant suggested. 18:39:35	14 talking about a hearing before one of the -- the city 18:41:56
15 Q And are you just guessing that by 18:39:42	15 commissions or are -- or are you speaking about the 18:42:02
16 inferring that from the -- from what you're seeing in 18:39:45	16 lawsuit? 18:42:05
17 the email now? 18:39:46	17 A Oh, no, no, one of the city's -- not 18:42:05
18 A Yes. 18:39:47	18 necessarily commissions because there were a number of 18:42:08
19 Q All right. 18:39:48	19 hearings, it started with agency hearings and then land 18:42:11
20 A Sorry. 18:39:48	20 use committee and planning commission, city council, so 18:42:20
21 Q And that's fair. 18:39:48	21 there were a number of them. 18:42:20
22 But you don't have a -- you don't actually 18:39:49	22 So I think the first one he was there and 18:42:23
23 remember what this was about? 18:39:51	23 he spoke in opposition, and also some of the union 18:42:25
24 A Hmm, again, if you're asking me if I 18:39:52	24 members spoke in opposition, as well. 18:42:29
25 remember what this was about, I don't. But I can infer 18:39:56	25 And I think, after that, they approached 18:42:32
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1 Q All right. 18:48:08	1 the right thing? Hire us to do this work." 18:51:05
2 A But certainly -- certainly phone 18:48:15	2 And we mentioned some things about his dad 18:51:13
3 conversations and texts. 18:48:16	3 or something because I think his dad was from Israel or 18:51:17
4 Q Do you have -- do you have a specific 18:48:17	4 something, some discussions about that. 18:51:20
5 memory of any particular conversations with Mr. -- with 18:48:18	5 But there was always kind of an attempt to 18:51:22
6 Ron in that time period between June of 2017 and August 18:48:22	6 ingratiate himself to -- so that we'd end up signing 18:51:26
7 of 2017? 18:48:26	7 with the understanding that, of course, this is what 18:51:28
8 A Yeah, I think we -- we listed him in the 18:48:30	8 this is all about. 18:51:35
9 complaint. 18:48:32	9 I wish I could tell you otherwise, but 18:51:36
10 We -- he was reaching out to say that they 18:48:32	10 that's what it was. 18:51:37
11 will find ways to help us get approved if we use them, 18:48:39	11 Q All right. Anything else you can remember 18:51:41
12 and that, if we don't, you know, he knows how to 18:48:43	12 about your conversations with Mr. Diamant in advance of 18:51:42
13 maneuver through this whole situation, and -- 18:48:47	13 the hummus bar meeting? 18:51:45
14 And, again, always the emphasis and focus 18:48:50	14 A Hmm, I don't remember, no, probably not. 18:51:50
15 of "Hire us and this all goes away," and "How do we 18:48:57	15 Q All right. And do you remember the date 18:51:52
16 find a way" -- it was kind of like a very "How do we 18:49:04	16 the hummus bar meeting took place? 18:51:57
17 find a way to get on your job, and have you hire us?" 18:49:07	17 A I think you mentioned it, I don't 18:51:59
18 That was kind of the crux of it. 18:49:11	18 remember, but when was it? Sorry. 18:52:01
19 And I think my consistent response was, 18:49:12	19 Q Well, I think I gave you the month, 18:52:03
20 "We're open to it, and we would like to find a way, but 18:49:18	20 August 2017. 18:52:06
21 at this stage it's very challenging to do that, and 18:49:24	21 Does that -- does that sound right? 18:52:06
22 potentially infeasible, but maybe there's certain areas 18:49:31	22 A Maybe, yeah, could be. 18:52:08
23 now that we can talk about that we would be okay with 18:49:35	23 Q And who do you remember being at that 18:52:11
24 including you on the job." 18:49:41	24 lunch? 18:52:13
25 So that was the gist of -- I mean, 18:49:42	25 A It was myself; Eran Shargal, who worked 18:52:13
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1 consistently throughout, not even during that time, 18:49:46	1 with me; Ron Diamant; Dan Langford from the Carpenters; 18:52:20
2 always the discussions that we had. 18:49:49	2 and I don't remember if Alexia was there or not. 18:52:35
3 Q And you're giving me your -- your sense of 18:49:52	3 But then Carl, I forgot his last name, 18:52:39
4 the gist of the conversations sort of writ large with 18:49:55	4 from C.W. Driver; and David Pinter from C.W. Driver. 18:52:43
5 Mr. Diamant? 18:49:59	5 Q And do you remember how long the meeting 18:52:49
6 A What do you mean my -- those were the 18:50:00	6 was? 18:52:51
7 conversations, I'm not -- 18:50:03	7 A It was a lunch, so probably an hour, I 18:52:54
8 Q Well, I guess I'm asking you: Are you 18:50:05	8 would guess, or so. 18:53:00
9 telling me that at any time Mr. Diamant said to you 18:50:06	9 Q And what was the tenor of the meeting? 18:53:00
10 "Hire us and this all goes away?" Did he use those 18:50:12	10 A It was just an introduction of kind of the 18:53:02
11 words? 18:50:14	11 general contractor that we were hoping to use 18:53:05
12 A Hmm, I don't know if exactly that, but 18:50:14	12 potentially on this job, and how it all would work and 18:53:07
13 something similar to that. That was always the theme 18:50:19	13 if there were going to be opportunities to kind of work 18:53:11
14 of the discussion. 18:50:23	14 together in a way and make introduction. 18:53:13
15 Q Can you tell me any specific day or 18:50:25	15 Q And, other than that sort of high-level 18:53:16
16 conversation you had with Mr. Diamant that he said 18:50:28	16 discussion, do you remember any specifics of what was 18:53:22
17 those exact words? 18:50:32	17 discussed at the meeting? 18:53:26
18 A Hmm, I -- I mean, six years later, seven 18:50:33	18 A Hmm, not specifically. I mean, I -- I 18:53:30
19 years later, I, unfortunately, can't. 18:50:38	19 was really about just a group -- two groups meeting and 18:53:35
20 But those were the conversations. 18:50:39	20 talking about kind of the experiences that you had and 18:53:39
21 Q Can you tell me the exact words of any 18:50:48	21 who C.W. Driver was and so on. And a little bit about 18:53:44
22 conversations you had with Mr. Diamant that weren't in 18:50:52	22 our project, I think, too, but -- 18:53:50
23 writing? 18:50:56	23 Gen- -- general stuff mostly, I think. 18:53:53
24 A I don't remember. 18:50:57	24 Q Do you remember anything specifically said 18:53:55
25 But, generally, it was "Why don't you do 18:50:57	25 by anybody who was there from the Carpenters? 18:53:57
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<p>1 anything about having to use a signatory general 19:34:46</p> <p>2 contractor, does it, not even best efforts? 19:34:50</p> <p>3 MR. TROST: Objection to form. This 19:34:52</p> <p>4 document speaks for itself. 19:34:53</p> <p>5 THE WITNESS: And that's not true. It 19:34:54</p> <p>6 does say that in paragraph three. I mean, I don't -- 19:34:56</p> <p>7 BY MR. REDDINGTON: 19:35:01</p> <p>8 Q All right. You agree with me that the 19:35:01</p> <p>9 document contemplated that ICON could pre-qualify any 19:35:03</p> <p>10 bidder, signatory or nonsignatory, at ICON's sole 19:35:06</p> <p>11 discretion? 19:35:11</p> <p>12 MR. TROST: Objection to form. 19:35:11</p> <p>13 THE WITNESS: Again, I -- I'll repeat what 19:35:11</p> <p>14 I say. I think this whole document is full of 19:35:15</p> <p>15 minefields that you, as an attorney, and if you were 19:35:19</p> <p>16 ever to actually represent someone, you would never 19:35:22</p> <p>17 allow them to sign anything remotely near this, and 19:35:25</p> <p>18 that's what I will say. 19:35:28</p> <p>19 BY MR. REDDINGTON: 19:35:30</p> <p>20 Q Were you acting as an attorney for ICON 19:35:30</p> <p>21 here? 19:35:35</p> <p>22 A I was. 19:35:35</p> <p>23 Q And at what stage in the process did you 19:35:35</p> <p>24 begin acting as an attorney for ICON? 19:35:37</p> <p>25 A I mean, I don't -- I don't -- I've always 19:35:39</p> <p style="text-align: right;">Page 382</p>	<p>1 MR. REDDINGTON: Mr. Fields, thank you for</p> <p>2 your time, I object to your cutting me off in the 19:36:23</p> <p>3 middle of my exam, and I reserve the right to -- to 19:36:24</p> <p>4 return to finish your deposition. 19:36:26</p> <p>5 MR. TROST: The deposition is over. It's 19:36:28</p> <p>6 seven hours and 35 minutes. That's what the protective 19:36:29</p> <p>7 order contemplates. That's what we've complied with. 19:36:31</p> <p>8 Have a good night. 19:36:34</p> <p>9 THE WITNESS: Thank you. 19:36:35</p> <p>10 MR. REDDINGTON: Bye-bye, have a nice 19:36:38</p> <p>11 night. 19:36:39</p> <p>12 THE WITNESS: Yeah, you, too. 19:36:40</p> <p>13 VIDEOGRAPHER TOGAMI: Off the record? 19:36:43</p> <p>14 Anything else? Sorry. 19:36:43</p> <p>15 MR. TROST: No, we're done. 19:36:44</p> <p>16 VIDEOGRAPHER TOGAMI: Okay. We are off 19:36:45</p> <p>17 the record at 7:36 p.m., and this concludes today's 19:36:47</p> <p>18 testimony given by Eran Fields. 19:36:51</p> <p>19 The total number of media used was six and 19:36:54</p> <p>20 will be retained by Veritext Legal Solutions. 19:36:58</p> <p>21 Thank you. 19:37:00</p> <p>22 (Whereupon, at 7:37 p.m., the 19:37:01</p> <p>23 deposition of ERAN FIELDS was adjourned</p> <p>24 and continued sine die.)</p> <p>25 ---000---</p> <p style="text-align: right;">Page 384</p>
<p>1 been an attorney as part of ICON. 19:35:42</p> <p>2 Q So you've been acting as an attorney in 19:35:46</p> <p>3 your discussions with -- 19:35:49</p> <p>4 (Discussion held off the record.) 19:35:50</p> <p>5 MR. TROST: Okay. This is a new line of 19:35:50</p> <p>6 questioning. 19:35:52</p> <p>7 THE WITNESS: Yeah, it's a new line of 19:35:52</p> <p>8 questioning. 19:35:54</p> <p>9 MR. TROST: It's seven hours and 35 19:35:54</p> <p>10 minutes. This line of questioning could have been -- 19:35:56</p> <p>11 if this line of questioning was important, it could 19:35:58</p> <p>12 have been brought up hours ago. I'm sorry, this is it. 19:35:59</p> <p>13 This is a new line of questioning. I've 19:36:01</p> <p>14 given you two -- after I've already said this is the 19:36:03</p> <p>15 last one, I gave you two more, seven hours and 35 19:36:05</p> <p>16 minutes. 19:36:08</p> <p>17 MR. REDDINGTON: And you -- and I -- well, 19:36:08</p> <p>18 we could be asking questions right now. 19:36:09</p> <p>19 MR. TROST: No, we can't because -- 19:36:11</p> <p>20 (Simultaneous speaking.) 19:36:22</p> <p>21 MR. TROST: -- it's seven hours --</p> <p>22 MR. REDDINGTON: If you're walking away,</p> <p>23 that's fine.</p> <p>24 THE REPORTER: You all are cutting each</p> <p>25 other off.</p> <p style="text-align: right;">Page 383</p>	<p>1 DECLARATION</p> <p>2</p> <p>3</p> <p>4 I, ERAN FIELDS, hereby declare that I am</p> <p>5 the deponent in the within matter; that I have read the</p> <p>6 foregoing deposition and know the contents thereof, and</p> <p>7 I declare that the same is true of my knowledge, except</p> <p>8 as to the matters which are therein stated.</p> <p>9 I certify under penalty of perjury of the</p> <p>10 laws of the State of California that the foregoing is</p> <p>11 true and correct.</p> <p>12 Executed this ____ day of _____,</p> <p>13 2023, at _____, _____.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 _____</p> <p>19 ERAN FIELDS</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 385</p>